

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

Edmond W. Ellis,	)	
	)	
Petitioner,	)	Case No: 14 CV 05185
	)	
v.	)	
	)	Judge Philip G. Reinhard
Kimberly Butler,	)	
	)	
Respondent.	)	

**ORDER**

For the reasons stated below, to assist the court in determining whether a continued stay is appropriate, petitioner is ordered within 30 days to file a copy of the 2-1401(f) petition currently pending with the Stephenson County circuit court in Case No. 04 CF 290.

**STATEMENT**

On July 23, 2014, this court ordered petitioner to show cause why his 28 U.S.C. § 2254 petition before this court should not be stayed due to pending state proceedings. *See* [9]. On August 21, 2014, petitioner filed a response [10], explaining that he had two pending state proceedings. On April 26, 2014, he had filed a pro se petition for leave to appeal to the Illinois Supreme Court, “challenging the [Illinois] Appellate Court’s decision in case number 2-13-0754.” [10] at 1. Also, in “April of 2014,” he had filed a notice of appeal, challenging the circuit court’s dismissal of a 2-1401(f) petition and denying petitioner leave to file a successive post-conviction petition. [10] at 2.

On September 11, 2014, this court stayed proceedings based on the two pending state proceedings. *See* [11].

On December 17, 2014, petitioner filed a status report [13] informing the court that his petition for leave to appeal to the Illinois Supreme Court had been denied, but that his April, 2014 appeal was still pending. In addition, petitioner explained that he had filed a new petition for relief of judgment with the circuit court in Case No. 04 CF 290 in Stephenson County. Review of petitioner’s Stephenson County case reflects that on December 8, 2014, he filed a 2-1401(f) petition. At this point, one of the original state proceedings remained pending, while a new state proceeding had been opened.

On February 26, 2015, petitioner filed a status report [17] informing the court that his April, 2014 appeal had been denied and that he had petitioned the Illinois Supreme Court for leave to appeal.

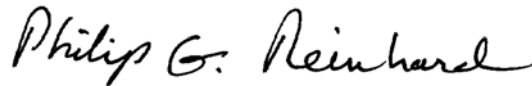
On April 13, 2015, petitioner filed a status report [19] informing the court that the Illinois Supreme Court denied his petition for leave to appeal the April, 2014 appeal. At this point, both of the original state proceedings were no longer pending, and the only pending state court proceeding was the new Case No. 04 CF 290 petition for relief of judgment pending in Stephenson County circuit court.

On July 16, 2015 [21], September 18, 2015 [23], November 30, 2015 [26], and March 24, 2016 [27], petitioner filed status reports informing the court that his Case No. 04 CF 290 petition for relief of judgment remained pending in Stephenson County circuit court. Review of petitioner's Stephenson County case reflects that his 2-1401(f) petition has been fully briefed and that a decision is set for June 17, 2016.

To assist the court in determining whether the pending 2-1401(f) petition contains claims that overlap with his stayed § 2254 petition, petitioner is ordered within 30 days to file a copy of the 2-1401(f) petition currently pending with the Stephenson County circuit court in Case No. 04 CF 290.

Date: 5/02/2016

ENTER:

A handwritten signature in black ink, reading "Philip G. Reinhard". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

United States District Court Judge

Notices mailed by Judicial Staff. (LC)